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Remarks To # 4: Your recommendations to DDCI ASAP, please.

Executive Secretary

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DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340- 1251

88-0723X

Executive Registry

U-4392/0S-4

2 2 FEB 1988

MEMORANDUM FOR THE DEPUTY DIRECTOR, CENTRAL INTELLIGENCE AGENCY

SUBJECT:

Security Policies Governing the Dissemination of Intelligence

Information

Reference: DCI Directive 1/7, "Security Controls on the Dissemination of

Intelligence Information," 27 February 1987.

- 1. The Department of Defense (DoD) relies heavily on contractors to develop large all-source data bases, sophisticated telecommunication systems, and state of the art ADP storage, data integration, retrieval, and computational capabilities. Strict compliance, however, with DCID 1/7 severely limits the development, maintenance, and use of these sophisticated systems, and Allied access to this critical data as well.
- DCID 1/7 requires the consent of the "originator" for release of all material carrying the ORCON, NOCONTRACT, NOFORN, or PROPIN caveat. In large DoD intelligence data systems, the data bases have historically carried the caveats of the data being entered, even though there is no reference to source nor audit to a source on the data being entered. Subsequent effort, therefore, to identify the source of each data item to pursue "release authorization" has proven not only impractical, but also impossible in many circumstances. In June 1986, therefore, DIA proposed a specific change to the DCID 1/7 which recognized (1) the role of appropriately cleared contractors working under authorized government contract; (2) the fact that no source reference was made; and (3) would permit release of all-source data base information to those specific contractors. During discussions of that proposal, your staff raised the additional issue of DIA releasing data base information caveated NOFORN. To date, my staff has been unable to reach accord with your staff on these significant policy issues.
- 3. In addition to the difficulty in releasing automated data base information where there is no source attribution, there are also clear cases where contractor release is sought for data that does, in fact, clearly identify the source. In late 1985 this Agency sought authorization to release automated message traffic to contractors involved in the joint DIA/CIA SAFE program. In January 1986, the DCI Security Committee agreed to this access, but with the stipulation that government personnel be present at all times. This guidance has proven to be wasteful and impractical due to personnel constraints. DoD/DIA does not have sufficient resources to support major systems development or enhancement initiatives without reliance on contractors who possess the required security clearances.



4. In summary, strict compliance with the provisions of DCID 1/7 severely limits use of available technology to improve intelligence support to operational forces. I would appreciate your support in a joint effort to review the existing policy with the objective of establishing a new policy that adequately protects sensitive intelligence sources while authorizing Senior Officials of the Intelligence Community (SOICs) to make controlled and auditable release of NOFORN, NOCONTRACT, ORCON, and PROPIN intelligence information where sources are unidentified and unidentifiable. In the interim, request authority as the SOIC for DIA, to grant release of caveated intelligence in DIA data bases where the originator cannot be determined. Secondly, standard and practical procedures must be established for authorizing system development contractor access to source identified intelligence data where operationally required. In this regard, specifically request that DIA be relieved from the requirement that government personnel be present when SAFE contractors have access to NOCONTRACT and ORCON information.

Executive Director

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Director, Intelligence Community Staff Deputy Director, Intelligence Community Staff

MEMORANDUM FOR: Acting Director of Central Intelligence

VIA:

FROM:

DCI/ICS-87-0785 19 February 1987

STAT.

DCI EXEG REG

Intelligence Community Staff	
D 1/7, "Security Controls on ntelligence Information" 25X1	_{*,} 25X1
SCI Forum-proposed revision of DCID or must be placed on documents, or ce information; the rules governing ules for use of the marked agraph, discussed below, the draft is strongly that a revised draft is orum support reissuance despite their ntious paragraph. The attached copy ed changes and the explanation of the-revisions.	ts, or erning draft is is te their ed copy
8c, which sets forth the formation, identified by NOCONTRACT, . The proposed revision carries on services and DIA oppose those ally upon limitations impacting on both heavily supported by embers support the need for a revised looking anew at the NOCONTRACT rules ID is again in need of revision. memoranda carry an acknowledgment of	ies ose ng on revised CT rules on.
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permit the security rules to be much closer to current than seems to have been past practice. The number of changes required in both 1/19 and 1/7 appear to support this view. The proposed memorandum carrying your approval of this revision sets the stage for this change in procedure.
4. In sum, I recommend that you approve the revision of 1/7 and sign the covering memoranda.

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The Deputy Director of Central Intelligence

Washington, D.C. 20505

DCI/ICS-87-0786

27 FEB 1987

MEMORANDUM FOR: NFIB Members

SUBJECT:

Revision of DCID 1/7, "Security Controls on the Dissemination

of Intelligence Information"

1. This memorandum is to:

- Record my approval of the attached revision of DCID 1/7, "Security Controls on the Dissemination of Intelligence Information."
- Acknowledge that paragraph 8c of DCID 1/7, dealing with the rules embodied in the marking NOCONTRACT, is contentious and is essentially unchanged from language contained in the 7 January 1984 version of 1/7.
- Direct that the SCI Forum report within 90 days on the possibility of better accommodation of the several views of the NOCONTRACT rules.
- 2. I recognize that the NOCONTRACT rules impact widely throughout the Community, but I charge CIA and DIA to vigorously lead the reexamination of these rules. (U)

Is! Robert M. Gates

Robert M. Gates Acting Director Declassified in Part - Sanitized Copy Approved for Release 2013/07/17: CIA-RDP90G01353R001300060002-4
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The Deputy Director of Central Intelligence

Washington, D.C. 20505

DCI/ICS-87-0787

27 FEB 1987

MEMORANDUM FOR: SCI Forum Members

SUBJECT:

DCID 1/7--Approval of Attached Revision

This memorandum records my approval of the attached revision of DCID 1/7 dated 7 January 1984, and directs that work continue to reach an expeditious Community agreement on a final revision of paragraph 8c (NOCONTRACT).

[Is! Robert W. Gates Robert M. Gates Acting Director

DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE 1/7 SECURITY CONTROLS ON THE DISSEMINATION OF INTELLIGENCE INFORMATION

(Effective

Pursuant to the provisions of Section 102 of the National Security Act of 1947, Executive Order 12333, Executive Order 12356, and implementing directives thereto, policies, controls, and procedures for the dissemination and use of intelligence information and related materials are herewith established.

PART I

1. Purpose

This directive establishes policies, controls, and procedures for the dissemination and use of intelligence to ensure that, while facilitating its interchange for intelligence purposes, it will be adequately protected. This directive amplifies applicable portions of the 23 June 1982 Information Security Oversight Office (ISOO) Directive No. 1 which implements Executive Order 12356. Additional controls are established on the dissemination of intelligence to foreign governments and to foreign nationals and immigrant aliens, including those employed by the US Government. Policy and procedures

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¹ Footnotes on p. 18

governing the release of intelligence to contractors and consultants are set forth in Part II of this directive.

2. Definitions

- a. Intelligence information and related materials (hereinafter referred to as intelligence) includes the following classified information:
 - foreign intelligence and counterintelligence as defined in Executive Order 12333;
 - information describing US foreign intelligence and counterintelligence activities, sources, methods, equipment, or methodology used for the acquisition, processing, or exploitation of such intelligence; foreign military hardware obtained for exploitation; and photography or recordings resulting from US intelligence collection efforts; and
 - information on Intelligence Community protective security programs (e.g., personnel, physical, technical, and information security).
- b. "Need-to-know" is the determination by an authorized holder of classified information that access to specific intelligence in his/her possession is required by another person to perform a specific and authorized function to carry out a national security task. Such persons must possess appropriate security clearances and access approvals.

3. General Applicability

- a. The controls and procedures established by this directive shall be applied uniformly in the dissemination and use of intelligence originated by all Intelligence Community components.
- b. The substance of this directive shall be promulgated by each Intelligence Community component, and appropriate procedures permitting prompt interagency consultation will be established and promulgated. To this end, each Intelligence Community component will designate a primary referent.

4. Use By and Dissemination Among US Intelligence Community Components

Executive Order 12356 provides that classified information originating in one US agency shall not be disseminated beyond any recipient agency without the consent of the originating agency. However, to facilitate use and dissemination of intelligence within and among Intelligence Community components and to provide for the provision of intelligence to consumers, the following controlled relief to the "third agency rule" is hereby established:

- Each Intelligence Community component consents to the use of its intelligence in intelligence products of other components and to the dissemination of those products within the Intelligence Community, except as specifically restricted by this directive.

5. <u>Use By and Dissemination to US Components Outside the Intelligence</u> Community

- a. Classified intelligence, even though it bears no restrictive control markings, will not be released in its original form to US components outside the Intelligence Community without the consent of the originator.
- b. Any component disseminating intelligence beyond the Intelligence Community assumes responsibility for ensuring that recipient organizations agree to observe the restrictions prescribed in this directive and to maintain adequate safeguards.

6. Dissemination to Foreign Nationals or Contractors

- a. Intelligence, even though it bears no restrictive control markings, will not be released to foreign nationals or immigrant aliens (including those employed by, used by, or integrated into the US Government) without the permission of the originator.
- b. Release of intelligence to a foreign contractor or company under contract to the US Government will be made according to the provisions of paragraph 7 below through the government under which the foreign contractor or company operates. Direct release from the US Government to a foreign company or contractor is prohibited.

7. Dissemination to Foreign Governments

- a. Intelligence, even though it bears no restrictive control markings, will not be released in its original form to foreign governments without the permission of the originator.
- b. Information contained in intelligence of another Intelligence Community component, which bears no restrictive control markings, may be used by recipient Intelligence Community components in reports provided to foreign governments provided that:
 - no reference is made to the source document on which the released product is based;
 - the information is extracted or paraphrased to ensure that the source or manner of acquisition of the intelligence is not revealed and cannot be deduced in any manner;
 - foreign release is made through established foreign disclosure channels and procedures as set forth in the DCI Directive on Intelligence Disclosure Policy.
- c. RESTRICTED DATA and FORMERLY RESTRICTED DATA are prohibited from foreign dissemination under the provisions of Sections 123 and 144 of Public Law 585, Atomic Energy Act of 1954, as amended.

8. Authorized Control Markings and Their Use

- a. "WARNING NOTICE--INTELLIGENCE SOURCES OR METHODS INVOLVED"

 (WNINTEL)
 - This marking is used to identify classified intelligence whose sensitivity requires constraints on its further dissemination and use. This marking may be used only on intelligence which identifies or would reasonably permit identification of an intelligence source or method which is susceptible to countermeasures that could nullify or reduce its effectiveness.
 - Classified intelligence so marked shall not be disseminated in any manner outside authorized channels without the permission of the originating agency and an assessment by the Senior Official of the Intelligence Community (SOIC) in the disseminating agency as to the potential risks to the national security and to the intelligence sources or methods involved. In making such assessment, consideration should be given to reducing the risk to the intelligence sources or methods which provided the intelligence by sanitizing or paraphrasing the information so as to permit its wider dissemination. To avoid confusion as to the extent of dissemination and use restrictions governing the information involved, this marking may not be used in conjunction with special access or Sensitive Compartmented

Information (SCI) controls. This marking may be abbreviated as "WNINTEL" or as "WN."

- b. "DISSEMINATION AND EXTRACTION OF INFORMATION CONTROLLED BY ORIGINATOR" (ORCON)
 - This marking is used to enable continuing knowledge and supervision by the originator of the use made of intelligence. This marking may be used only on classified intelligence which clearly identifies or would reasonably permit ready identification of an intelligence source or method which is particularly susceptible to countermeasures that would nullify or measurably reduce its effectiveness. This marking may not be used when an item of information will reasonably be protected by use of any other markings specified herein, or by the application of the "need-to-know" principle and the safeguarding procedures of the security classification system.
 - Information bearing this marking may not be disseminated beyond the headquarters elements³ of the recipient organizations and may not be incorporated in whole or in part into other briefings, or used in taking investigative action, without the advance permission of, and under conditions specified by, the originator. As this is the most restrictive marking herein, agencies will establish procedures to ensure that it is only applied to particularly sensitive intelligence and that timely

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procedures are established to review requests for further dissemination of intelligence bearing this marking. This marking may be abbreviated as "ORCON" or as "OC."

- c. "NOT RELEASABLE TO CONTRACTORS/CONSULTANTS" (NOCONTRACT)
- This marking is used to identify classified intelligence that shall not be released to contractors or consultants (hereinafter "contractors") without the permission of the originating agency. This marking may be used only on intelligence which was 3. provided by a source on the express or implied condition that it would not be made available to contractors; or which, if disclosed to a contractor, would actually or potentially give him/her a competitive advantage which could reasonably be expected to cause a conflict of interest with his/her obligation to protect the information. These restrictions do not apply to consultants hired under Office of Personnel Management procedures, or comparable procedures derived from statutory authorities of departments or agency heads, and who are considered to serve as extensions of their employing offices. This marking may be abbreviated as "NOCONTRACT" or as "NC."
 - d. "CAUTION--PROPRIETARY INFORMATION INVOLVED" (PROPIN).
 - This marking is used, with or without a security classification, to identify information provided by a commercial firm or private

source under an express or implied understanding that the information will be protected as a trade secret or proprietary data believed to have actual or potential value. Information bearing this marking shall not be disseminated in any form to an individual, organization, or foreign government which has any interests, actual or potential, in competition with the source of the information without the permission of the originator. This marking may be used in conjunction with the "NOCONTRACT" marking to preclude dissemination to any contractor. This marking may be abbreviated as "PROPIN" or as "PR."

- e. "NOT RELEASABLE TO FOREIGN NATIONALS" (NOFORN)
- This marking is used to identify classified intelligence that may not be released in any form to foreign governments, foreign nationals, or non-US citizens without permission of the originator. This marking may be used on intelligence which, if released to a foreign government or national(s), could jeopardize intelligence sources or methods, or when it would not be in the best interests of the United States to release the information from a policy standpoint upon specific determination by a SOIC. SOICs are responsible for developing, publishing, and maintaining guidelines consistent with the policy guidance herein for use in determining the foreign releasability of intelligence they collect or produce. These guidelines shall be used in assigning NOFORN control markings, and by primary

referents (paragraph 3.b. above applies) in responding to inquiries from other organizations on application of this control. This marking may be abbreviated "NOFORN" or as "NF."

- f. "AUTHORIZED FOR RELEASE TO (name of country(ies)/international
 organizations)" (REL)
 - This marking is used to identify classified intelligence that an originator has predetermined to be releasable or has released, through established foreign disclosure procedures and channels, to the foreign country(ies)/international organizations indicated. No other foreign dissemination of the material is authorized (in any form) without the permission of the originator. This marking may be abbreviated "REL (abbreviated name of country(ies)/international organizations)." In the case of intelligence controlled under DCID 6/2, authorized distribution indicators, published separately, may be used instead of the "REL" control marking.

9. Procedures Governing Use of Control Markings

a. Any recipient desiring to use intelligence in a manner contrary to the restrictions established by this directive shall obtain the advance permission of the originating agency. Such permission applies only to the specific purpose agreed to by the originator and does not automatically apply to all recipients. Originators will ensure that prompt

consideration is given to recipients' requests with particular attention to reviewing and editing, if necessary, sanitized or paraphrased versions to derive a text suitable for release subject to lesser or no control markings.

- b. The control markings authorized above shall be shown on the title page, front cover, and other applicable pages of documents, incorporated in the text of electrical communications, shown on graphics, and associated (in full or abbreviated form) with data stored or processed in automated data processing systems. The control markings also shall be indicated by parenthetical use of the marking abbreviations at the beginning or end of the appropriate portions. If the control markings apply to several or all portions, the document may be marked with a statement to this effect rather than marking each portion individually.
- c. The control markings in paragraph 8 shall be individually assigned at the time of preparation of intelligence products and used in conjunction with security classifications and other markings specified by Executive Order 12356 and its implementing ISOO Directive. The marking shall be carried forward to any new format in which the same information is incorporated, including texts for oral and visual presentations.

10. Obsolete Restrictions and Markings

The following markings are obsolete and will not be used subsequent to the date of this directive: WARNING NOTICE--SENSITIVE SOURCES AND METHODS

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INVOLVED, WARNING NOTICE--INTELLIGENCE SOURCES AND METHODS INVOLVED, WARNING NOTICE--SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED, CONTROLLED DISSEM, NSC PARTICIPATING AGENCIES ONLY, INTEL COMPONENTS ONLY, LIMITED, CONTINUED CONTROL, NO DISSEM ABROAD, BACKGROUND USE ONLY, NO FOREIGN DISSEM, USIB ONLY, and NFIB ONLY. Questions with respect to the current application of control markings authorized by earlier directives on the dissemination and control of intelligence and used on documents issued prior to the date of this directive should be referred to the originating agency or document.

11. Reporting Unauthorized Disclosures

Violations of the foregoing restrictions and control markings that result in unauthorized disclosure by one agency of the intelligence of another shall be reported to the Director of Central Intelligence through the Unauthorized Disclosure Analysis Center.

PART II

12. <u>Policy and Procedures Governing the Release of Intelligence to</u> <u>Contractors and Consultants</u>

a. Intelligence Community components may release⁴ selected intelligence⁵ to contractors and consultants (hereinafter "contractors"⁶) without referral to the originating components provided that:

- (1) Release is made only to private individuals or organizations certified by the SOIC (or his/her designee) of the sponsoring organization as being under contract to the United States Government for the purpose of performing classified services in support of a national security mission; and as having demonstrated "need-to-know" and an appropriate security clearance or access approval. If retention of intelligence by the contractor is required, the contractor must have an approved storage facility.
- (2) The SOIC of the sponsoring agency, or his/her designee, is responsible for ensuring that releases to contractors are made pursuant to this policy statement and through established channels.
- (3) The sponsoring agency maintains a record of material released.
- (4) Contractors maintain such records as will permit them to account for all intelligence received, disposed of or destroyed, produced and held by them for the duration of the contract, and to permit identification of all persons who have had access to intelligence in their custody.
- (5) Contractors do not reproduce any intelligence without the permission of the sponsoring agency, and classify, control, and account for reproduced copies in the same manner as for originals.

- (6) Contractors destroy intelligence only according to guidelines and by standards set by the sponsoring agency.
- (7) Contractors make provisions to ensure that intelligence in their custody is not released to foreign nationals, whether or not they are employees or contractors themselves, except with the permission of the originating agency through the sponsoring agency, and then released through established channels.
- (8) Contractors receiving intelligence do not release it: to any of their components or employees not directly engaged in providing services under the contract; or to any other contract (including subcontractors), without the consent of the sponsoring agency (which shall verify that any second contractors satisfy all security requirements herein).
- (9) Any SCI released to contractors is controlled pursuant to the provisions of DCI Directive 1/19, Security Policy for Sensitive Compartmented Information, effective ______.
- (10) Contractors agree that all intelligence released to them, all reproductions thereof, and all other material they may generate based on or incorporating data therefrom (including authorized reproductions), remain the property of the US Government and will be returned upon request of the sponsoring agency or expiration of the contract, whichever occurs first.

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- (11) Sponsoring agencies arrange for and contractors agree that, upon expiration of contracts, all released intelligence, all reproductions thereof, and all other materials based on or incorporating data therefrom, are returned to the sponsoring agency; or all or a specified part of such items are retained by the contractor under all applicable security and accountability controls when the contractor has a specific need for such retention that is validated by the sponsoring agency.
- (12) Sponsoring agencies delete: the CIA seal, the phrase "Directorate of Operations," the place acquired, the field number, the source description, and field dissemination from all CIA Directorate of Operations reports passed to contractors, unless prior approval to do otherwise is obtained from CIA.
- b. National Intelligence Estimates (NIEs), Special National Intelligence Estimates (SNIEs), and Interagency Intelligence Memoranda will not be released to contractors. Such materials shall be marked NOT RELEASABLE TO CONTRACTORS/CONSULTANTS. However, information in them may be made available to contractors, without identification as national intelligence, by the SOIC of the agency authorizing its release.
- c. Intelligence which, by reason of sensitivity of content, bears control markings "CAUTION--PROPRIETARY INFORMATION INVOLVED," "NOT RELEASABLE TO CONTRACTORS/CONSULTANTS," or "DISSEMINATION AND EXTRACTION

OF INFORMATION CONTROLLED BY ORIGINATOR," as specified in Part I of this directive, will not be released to contractors unless special permission has been obtained from the originator.

d. Intelligence Community security policy requires that the government maintain control over sensitive intelligence and release to contractors only that information required to perform tasks beyond the capability of the government. The DCI has determined that there are significant risks to national security in contracting out support services or functions such as operation of telecommunications centers; automated data systems; or other facilities when this permits broad contractor access to all-source or other sensitive intelligence information.

Accordingly, Intelligence Community departments and agencies are cautioned to fully consider the consequences of contracting out these services pursuant to Office of Management and Budget Circular A-76, or similar quidance, in cases where the government's control of sensitive intelligence would be substantively diminished or where contractor access to such data would be unnecessarily expanded.

13. Interpretation

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Questions concerning the implementation of this policy and these procedures shall be referred to the Community Counterintelligence and Security Countermeasures Staff/Intelligence Community Staff.

FOOTNOTES

- 1 This directive supersedes DCID 1/7, effective 4 May 1981.
- ² Unless otherwise specified by the Director of Central Intelligence in consultation with the National Foreign Intelligence Board (NFIB) or as agreed to between originating and recipient agencies, authorized channels are the Intelligence Community, as defined in Executive Order 12333, Intelligence Community contractors and consultants, and officials of agencies represented on the NFIB as determined on a "need-to-know" basis by recipient SOICs.
- 3 At the discretion of the originator, the term "headquarters elements" may include specified subordinate intelligence-producing components.
- 4 Release is the authorized visual, and, or physical disclosure of intelligence.
- 5 The term "selected intelligence" excludes Foreign Service reports, SCI, and material bearing ORCON, NOCONTRACT, or PROPIN control markings. Foreign Service reports may be released only with the permission of the Department of State. Release of intelligence material bearing ORCON, NOCONTRACT, or PROPIN markings is governed by paragraph 8 or this directive.
- 6 Non-Intelligence Community components of the executive branch of government under contract to fulfill an intelligence support role may be treated as members of the Intelligence Community. In that event, release will be made only with the consent of the originator, will be solely for the specific service required by the contract, and will not include authority to disseminate intelligence further. Government-owned, contractor-operated (GOCO) laboratories performing classified services in support of the intelligence mission of an Intelligence Community component, and which are designated as authorized channels by a SOIC or his/her designee, are not considered as contractors subject to the provisions of this directive.

Attachment 2

DCID 1/7 REVISIONS

Revision 1 (p.1): This directive is reissued as unclassified (FOR OFFICIAL USE ONLY). Earlier versions were unclassified until 1984. In June 1985, the Director, Information Security Oversight Office requested that the DCI review the need for classified status. Review and analysis by SECOM resulted in the conclusion that under current classification policy (E012356), there was no justification for classifying the directive. In connection with the declassification action, the last two sentences have been deleted.

Revision 2 (p.4): This language change restructures the sentence to more concisely state the intended control on ORCON material. This change was approved in 1984, six months after issuance of the existing DCID.

Revision 3 (p.4): The most significant and most common reason for NOCONTRACT control is stated first.

Revision 4 (p.6): The footnote is corrected by addition of other categories of controlled intelligence which may not be released without originator consent.

Revision 5 (p.6): The language change is made to ensure originator cognizance of treatment to be accorded intelligence releases to assisting components of the executive branch and to limit such releases to the executive branch.

Revision 6 (p.8): Community and Counterintelligence and Security
Countermeasures Staff is substituted for SECOM which has been disestablished.